

## **MINUTES**

**CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
SEPTEMBER 7, 2004  
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Rob Carter and the Invocation was given by Pastor Ray Ivey, Cherokee Hills Baptist Church.

### **ROLL CALL**

#### **PRESENT**

Mayor Marietta Tardibono  
Vice-Mayor Tom Smith  
Councilman Jimmy Alexander  
Councilwoman Leslie Owens  
Councilman Mike Gossman  
Councilman Bob Wehba  
Councilman Justin Frisbie  
Councilman Barry Curl  
Councilwoman Nancy Olson

#### **ABSENT**

### **DEPARTMENT HEADS AND CONSULTANTS PRESENT**

Pamela McDowell-Ramirez, City Clerk  
Roger Patty, Police Chief  
Rob Carter, Acting Fire Chief  
Bob Jernigan, City Attorney  
Mike Turman, City Inspector  
Scott Barrett, City Engineer

2. Questions and Comments from Warr Acres Residents.  
  
The Mayor stated that she had received two requested to speak from residents and that they wanted to speak when the item was addressed.
3. **CONSENT DOCKET:** (individual items may be deleted from the consent docket for discussion and action under #4.

- A. Approval of Minutes – Regular City Council Meeting of August 3, 2004 and August 17, 2004 and Special Meeting of August 26, 2004.
- B. Approval of Expenditures – General Fund \$61,003.77
- C. Approval of Proposed Expenditures for September 2004.
- D. Sales Tax History Report.
- E. Receive Planning Commission minutes for August 10, 2004. (Not yet approved by the Planning Commission)
- F. Receive Traffic Commission minutes for August 19, 2004. (Not yet approved by the Traffic Commission)
- G. Approve recommendations from the Traffic Commission concerning the removal of “Dangerous Intersection Ahead” signs on MacArthur at Twin Lakes Drive and removing “No Parking, Stopping or Standing” signs in front of Buy for Less at NW 36<sup>th</sup> Street and replacing them with “No Parking” signs.

Councilman Wehba asked that items E & F be removed for discussion.  
Councilman Frisbie asked for item G to be removed for discussion.

Motion by Curl, second by Frisbie to approve the remaining items on the consent docket. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

- 4. Discussion and possible action on items removed from the consent docket.

Councilman Wehba asked how the council could approve minutes of other commissions before they are approved by that commission. Councilman Frisbie said that the minutes were for informational purposes and the council is accepting the minutes only unless there are individual items that need approval such as item G. Bob Jernigan stated there was no problem with the way they are handled on the agenda. Councilman Wehba asked what if there was a problem or mistake in the minutes. Mr. Jernigan asked what kind of mistake he was referring to and stated it would throw all minutes 30 to 60 days back before the council would receive them.

Motion by Frisbie, second by Wehba to approve items E & F. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

Councilman Frisbie stated that he did not agree with removing the signs at Twin Lakes Drive because the occurrence of accidents had gone down since the signs were put in place. He stated that he did not have a problem with replacing the signs with more appropriate signs and asked Mr. Chai, Traffic Commission

Chairman, what type sign he would recommend. Mr. Chai stated that he is a professional in the field and that he would not approve any type sign for that intersection. He did not feel that there needed to be signage there except possibly a T type sign. Councilman Frisbie stated he did not believe anyone in the area wanted the signs taken down. Chief Patty stated that most accidents there were rear-enders. Councilman Curl said the council had the signs put up not the Traffic Commission or Police department. Councilman Curl continued by saying the sign was made different to catch people's attention. Then Councilman Curl asked about the signs at 36<sup>th</sup> and MacArthur. Mr. Chai said the signs read "no stopping" but if the light is red then you must stop. Councilman Wehba stated the signs had been there for ever. The discussion went back to the signs at Twin Lakes when Councilwoman Owens asked if cities could make up their own signs. Chief Patty stated they could to a degree. Mr. Chai stated that he city needed to keep with sign code regulations.

Motion by Frisbie, second by Curl to remove the signs at 36<sup>th</sup> and MacArthur and to leave the signs at Twin Lakes. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

#### **Motion Passed Unanimously.**

5. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, Street, Sanitation, Sewer, City Engineer, City Planner.

Chief Patty-said the new dispatcher will be starting on the 14<sup>th</sup> of September and this past weekend the police department participated in a traffic check point which resulted in several arrest and around 50 tickets.

Councilman Wehba-asked Brad Seale about the sewer smell at 42<sup>nd</sup> and Ann Arbor. Mr. Seale stated that the system is not a sealed system and if it was it would eat up the concrete and the manhole lids. He said this has been a problem for a long time and it is the grease that stinks. Councilman Gossman asked if the line could be flushed with water. Councilman Wehba stated that he wanted the city to check into the problem.

Scott Barrett-said he would look into the sewer smell problem and he would also check on more appropriate signs for Twin Lakes. Councilman Curl asked Mr. Barrett to check on the turn lanes at MacArthur and NW Highway. Mr. Barrett stated that OKC had awarded the contract for moving the water lines on MacArthur. Councilwoman Owens asked if a special meeting could be held sometime in November to inform the public about the MacArthur Project. Everyone thought this was a good idea. Councilman Wehba asked Mr. Barrett if he had heard anything from ODOT or the contractor concerning the letter that was sent on Ann Arbor and Mr. Barrett stated he had not heard from either.

6. Discussion and possible action on switching phone service from SBC to Cox Communications. \*Jernigan\*

Bob Jernigan stated the city is legally bound to SBC until May of 2005. If the city opts out of the contract they can impose fees. He does not know if they will but they can. Todd Davis with Cox was present and handed out a worksheet he prepared to the council members showing the city benefits of switching and the savings even if SBC charges a fee. The Mayor asked if SBC would just charge the penalty or would they sue the city and Mr. Jernigan stated they would need to work it out.

Motion by Frisbie, second by Smith to switch to Cox Communication for phone service and to bring the item back to council for final contract approval on September 21<sup>st</sup>. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, nay; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed.**

7. Discussion and possible action on directing the City Attorney to draft an Ordinance amending Animal Control codes as presented by Councilman Wehba.

Councilman Wehba stated he had been working with Darryl Goodman on changes and he had given each of the council member's copies of the proposed changes. The Mayor thanked Councilman Wehba for the work he had done on the changes. There was discussion about a leash law and Councilman Wehba made the comment that it would not only be for dogs. Councilwoman Owens did not like the animal tag portion and Councilman Wehba agreed with her but stated that this was a compromise on the tags. Mr. Goodman stated that he was working with local vets and that perhaps they will issue the city tags. He stated that with the tags he is able to return a pet to the owner without having to board the pet and the resident is saved the cost of pick up and board.

Motion by Wehba, second by Gossman to accept the changes in total and to direct the attorney to draw up an Ordinance. Poll vote: Alexander, yea; Owens, nay; Gossman, yea; Wehba, yea; Frisbie, abstain; Curl, yea; Smith, nay; Olson, yea; and Tardibono, yea.

**Motion Passed.**

8. Discussion and possible action on Ordinance #998 amending Title 2, Chapter 2.06, Section 2.06.050 by deleting the requirements that the newsletter reflect primarily minutes of council meetings and that upcoming events must be discussed at a council meeting before they can be published in the monthly newsletter.

Councilwoman Owens stated that with the new utility billing the newsletter will be able to be sent along with the bill. She stated the old Ordinance was too restrictive and she thought it needed to allow information to go out to the residents that may not have been brought up in a meeting. Councilman Wehba stated that years ago the newspapers gave its view of city business and then someone in Ward 4 decided to do a newsletter and that went out until the Ordinance was done. There was concern that it would become a political paper and Councilwoman Owens stated the portion of the Ordinance about non-political was left in for that reason. Councilman Wehba stated that he was concerned that it will be used as a political tool if the council does not first approve it. Councilwoman Owens stated that it needed to supply the residents with helpful information. Resident Jesus Morales stated that he agreed with both Wehba and Owens and he had no problem with it. Resident Tommy Pike stated that he was on the council when the Ordinance was passed and does not want to see it become political.

Motion by Owens, second by Smith to approve Ordinance #998. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

#### **Motion Passed Unanimously.**

9. Discussion and possible action on Resolution #402 amending the number of hours allowed to book for comp time from 10 hours to 40 hours. \*Mayor\*

The Mayor stated that after the way things turned out on this issue at the last meeting she sent the Resolution to Margaret Love to see if she could revise it to where the Council might approve changes. Margaret re-wrote the Resolution with several changes. Councilman Wehba asked if this was a reconsideration of the item and he was told by Bob Jernigan that it was not that it was a new presentation for their consideration. The Mayor asked the Street and Sewer Supervisors how having more and hours and time might help in their departments. Johnny Dickson stated that he thought it would help his department a lot and stated that even having 16 hours would be better than the 10 hours. Brad Seale stated that he thought 40 hours was better but they needed more time in order to take it off. Councilman Curl stated that he had spoken with Councilman Gossman and thought that 24 hours would be a good and possibly 30 days to take it off. Councilman Alexander stated that to the employee it is to their advantage to take the time off. Resident Tommy Pike asked if anyone had run the figures on this and that it was really going to cost the city a lot of money. Chief Patty stated that in most cases his dispatcher would like the time off but when they are short handed it is impossible, but if they had more time it would help.

Motion by Curl, second by Owens to approve changes to 24 hours and time taken off within the next three payroll periods. Poll vote: Alexander, yea; Owens, yea;

Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

Motion by Smith, second by Curl to approve Resolution #402 as amended to 24 hours and time taken off within the next three payroll periods. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

Item 12 was heard before Item 10.

10. Questions and comments from Council members.

Councilman Wehba-asked why 19.54.040 was not included in the latest Planning Commission books. No one had an answer. He asked how the changes to the Handbook were progressing and Mr. Jernigan stated that they were not progressing. He asked about items that were sent to the Title 19 Committee and then the Council and where these lost items are. Councilman Smith stated that Mr Carter pulled the items. Mr. Jernigan asked what items he was referring to and said that the items needed to be identified because he could not find something if he did not know what he was looking for. Councilman Wehba also asked where the money to pay for the Ann Arbor project had been taken from and if it had come from the same place MacArthur is being taken from. The Clerk stated that she believed that the funds were taken from the Reserve for Capital Replacement Fund and Street and Alley Fund and those two funds were closed at the beginning of this Fiscal Year. She also stated that she did not believe that any funds came from the MacArthur account, but that she would check and let him know.

Councilman Smith-said that the Internet server was back in place and the kinks were being worked out and the system was getting updated. He also stated that the Tax Committee had met and they will meet again but they are not ready to give a report yet.

11. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

**None.**

Item 12 was heard prior to Item 10.

12. Discussion and possible action on contract and negotiations with FOP Lodge #145 and International Association of Firefighters Local 2374 and the City of

Warr Acres, including discussion and action on entering into Executive Session as allowed under 25 O.S. Supp. 307 (B) (2), Discussing negotiations concerning employees and representatives of employee groups.

Motion by Wehba, second by Gossman to enter into executive session with Tony Puckett, Chief Carter and Chief Patty to stay. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

The council entered into executive session at 8:27 p.m.

Councilman Curl left the meeting at 9:15 p.m.

The council returned to open session at 9:28 p.m. **WITH NO ACTION TAKEN.**

13. Adjournment.

Motion by Frisbie, second by Gossman to adjourn the meeting. The meeting was adjourned by acclamation at 9:40 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk

## **MINUTES**

**CITY OF WARR ACRES  
PUBLIC WORKS AUTHORITY MEETING  
TUESDAY  
SEPTEMBER 7, 2004  
7:00 p.m.**

1. The meeting was called to order at 9:41 p.m. Declaration of a quorum present was given.

### **ROLL CALL**

#### **PRESENT**

Chairwoman Marietta Tardibono  
Vice-Chair Tom Smith  
Trustee Justin Frisbie  
Trustee Leslie Owens  
Trustee Jimmy Alexander  
Trustee Mike Gossman  
Trustee Bob Wehba  
Trustee Nancy Olson

#### **ABSENT**

Trustee Barry Curl

2. Approve the minutes of the Regular Warr Acres Public Works Authority Meeting of August 3, 2004. \*\*\*\*

Motion by Owens, second by Gossman to approve the minutes. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Smith, yea; Olson, yea; and Tardibono, yea.

#### **Motion Passed Unanimously.**

3. Approve payment of claim in the amount of \$54,556.29 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of August, 2004. \*\*\*\*

Motion by Wehba, second by Frisbie to approve the payment of the claim. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Smith, yea; Olson, yea; and Tardibono, yea.

#### **Motion Passed Unanimously.**

4. Adjournment.



Motion by Smith, second by Gossman to adjourn. Hearing no objections the meeting was adjourned by acclamation at 9:42 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk